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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,903	12/03/2003	Manfred Rick	81077621 (202-1334)	4181

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EXAMINER

PRINCE, FRED G

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,903

Applicant(s)

RICK, MANFRED

Examiner

Fred Prince

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1203.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: It appears that in lines 1-2, "at least one of" should be rewritten as --in--. Appropriate correction is required.
2. Claim 7 is objected to because of the following informalities: It appears that in line 2, the second occurrence of "a first" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuo et al.

Matsuo et al. teach a process and system including dividing wastewater into a first part stream (38) and a second part stream (37), passing the first part to an aerobic treatment stage (7) and the second part to an anaerobic treatment stage (6), wherein the streams inherently can be set or the overall flow regulated as pumps are used, after anaerobic treatment the second part stream is passed to the aerobic stage together with the first part stream (Fig. 2), waste water is recycled to respective stages (32, 33, 35, 36, 37, 38, 43), and a recipient tank (1, 3).

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5. Claims 1 -3, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Klapwijk et al.

Klapwijk et al. teach a process and system including dividing wastewater into a first part stream (5) and a second part stream (1), passing the first part to an aerobic treatment stage (4) and the second part to an anaerobic treatment stage (2), wherein the streams can be set or the overall flow regulated (col. 4, lines 37-40), after anaerobic treatment the second part stream is passed to the aerobic stage together with the first part stream (3), and waste water is recycled for further treatment (8, 10).

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Northrop.

Northrop teaches a process and system including dividing wastewater into a first part stream (A) and a second part stream (B), passing the first part to an aerobic treatment stage (3) and the second part to an anaerobic treatment stage (4), wherein the streams can be set or the overall flow regulated (col. 5, lines 51-59), after anaerobic treatment the second part stream is passed to the aerobic stage together with the first part stream (sludge and supernatant recycle), and a recipient tank (1, 2).

7. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Reimann (EP 0087127).

Reimann teaches a process and system including dividing wastewater into a first part stream (1) and a second part stream (11), passing the first part to an aerobic treatment stage (2) and the second part to an anaerobic treatment stage (10), wherein the streams can be set or the overall flow regulated (valve downstream of stream split),

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and after anaerobic treatment the second part stream is passed to the aerobic stage together with the first part stream (18).

Allowable Subject Matter

8. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: While claim 7 is not patentable for the reasons provided above, in the examiner's opinion, the prior art fails to teach or render obvious a system having the limitations of claim 7 in combination with a the operational elements having the positioning recited in claim 8.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571) 272-1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fred Prince
Primary Examiner
Art Unit 1724

fgp
2/10/05